

Remarks

The Examiner has rejected claims 1, 9 and 20 under the nonstatutory judicially created doctrine of double patenting in view of U.S. Patent No. 6,812,048 issued in the name of Jerry D. Kline (hereinafter "Kline").

Claims 1-26 were originally presented for examination. Claims 1-26 are currently pending, of which, claims 1, 9 and 20 are in independent form. Favorable reconsideration of the present Response as currently constituted is respectfully requested.

Obviousness-type Double Patenting Rejection

Claims 1, 9 and 20 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 9, 12 and 16-17 of Kline. Applicant respectfully submits a Terminal Disclaimer to obviate the double patenting rejection. Applicant believes that claims 1, 9 and 20 are now in condition for allowance. Claims 2-8, 10-19 and 21-26 depend from allowable claims and are therefor also allowable.

Fee Due

The number of independent claims remains unchanged and the total number of claims remains unchanged by way of the present Response. Applicant has enclosed a form PTO-2038 authorizing payment of \$65.00 for the Terminal Disclaimer fee per 37 C.F.R.

§1.20(d). Applicant believes no additional fees are due for the filing of this response. If any additional fees are due or overpayments have been made, however, please charge or credit, our Deposit Account No. 03-1130.

Conclusion

In view of the forgoing, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections to claims and allow claims 1-26, presented for consideration herein. Accordingly, a favorable action in the form of an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned for any reason that would advance the instant application to issue.

Dated this 21st day of January, 2005.

Respectfully submitted:



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